

Denise Buckley

From: Denise Buckley
Sent: Monday, July 17, 2017 11:57 AM
To: 'Leo Glickman'
Subject: RE: Burks depos

Leo,

As discussed with you this morning, the depositions of the following witnesses are confirmed as follows:

1. CO Stickney, July 20th at 11 am;
2. Sgt. Cross, Jul 24th at 1pm;
3. Supt. Kirkpatrick, July 25th at 1pm;
4. CO Nolan, July 28th at 1pm.

I am aiming to schedule Supt. Racette's deposition for August 1st at 11 am, subject to confirmation by him.

You are welcome to use our office for the depositions. Please let me know as soon as possible if you wish to use our office so I can reserve one of the conference rooms.

As discussed, I consent to your request for a 60 day extension of the discovery and dispositive motion deadline.

Best regards,

Denise Buckley | Assistant Attorney General

Litigation Bureau
NYS Office of the Attorney General
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From: Leo Glickman [mailto:lglickman@stollglickman.com]
Sent: Saturday, July 15, 2017 2:20 PM
To: Denise Buckley <Denise.Buckley@ag.ny.gov>
Subject: RE: Burks depos

OK, so we can lock in:

Kirkpatrick for the 19th, 1 pm
Racette for the 20th
Cross June 24
stickney June 25
Nolan July 28.

Please confirm that the 5 above are confirmed by Monday at 12 so I can make the necessary arrangements.

That leaves

Pepper, Smith, Chamberlain and Wood. Please assume I want to depose all. Can they be filled in between the 19th and 28th anywhere? These I can do two on one day. If not, I can do August 1, 2 or 3. I am on vacation at that point until the 23rd and I have a trial on August 29.

Though Judge Peebles certainly seems adamantly against it, if we have the plaintiff and these 5 defendants completed, perhaps we can ask for an additional 30-60 days. Would you consent? I hope you would Denise, I am really working with you on these dates and things being moved around, I also provided to you the request for admission (the short one) from Burks immediately to keep things moving efficiently.

From: Denise Buckley [Denise.Buckley@ag.ny.gov]
Sent: Friday, July 14, 2017 6:39 PM
To: Leo Glickman
Subject: RE: Burks depositions

Leo,

As discussed, I'd be very grateful if you could arrange your schedule to proceed with Sgt Cross' deposition on July 24th.

Supt. Racette is not available July 20th as I thought. I am going to see if I can switch his deposition date with CO Stickney's July 25th date. Failing that, do you have any availability in August?

Thanks.

Denise Buckley | Assistant Attorney General

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From: Denise Buckley
Sent: Thursday, July 13, 2017 5:11 PM
To: 'Leo Glickman' <lglickman@stollglickman.com>
Subject: RE: Burks depositions

Leo,

Sgt Cross has very limited availability and July 24th is his only available date in the next few weeks. He will be available on July 24th at 1pm, as previously advised. You previously advised that you were available on July 24th, so I am surprised that you are now saying you are not available on that date. Can you please make yourself available on July 24th at 1pm? If not, do you have any availability in August? If so, I will check with Sgt Cross to see if we can reschedule.

Sgt Nolan is available for deposition on July 28th at 1pm.

Supt Racette is out of town on July 18th. He is available July 20th at 11 am.

Supt Kirkpatrick is available July 19th at 1pm.

CO Stickney is available July 25th at 11 am.

As for the identities of number 9 and 10, we will have to seek a ruling from the court. DOCCS' offer was to provide the contact details for people identified as being involved in the alleged incident of July 5th. Plaintiff did not identify any of the people in the photo arrays as being involved in the alleged incident of July 5th.

I will get the responses to your requests for admissions within 30 days of service of your notices. I will try to accommodate your request to respond sooner than that, but I cannot guarantee a quicker turn around time.

Best regards,

Denise Buckley | Assistant Attorney General

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From: Leo Glickman [<mailto:lglickman@stollglickman.com>]

Sent: Thursday, July 13, 2017 4:10 PM

To: Denise Buckley <Denise.Buckley@ag.ny.gov>

Subject: RE: Burks depos

Depo schedule proposed:*

Racette July 18 @ 11 am

Kirkpatrick July 19 @11 am

Cross July 20 @10 am)

Stickney July 25 @ 11 am

July 28 – hold for pepper and smith.

*You are required I believe to divulge to me who was number 9 and 10 in the photo array today. Depending on who number 10 is, and if he is a named defendant, we will want to depose that person on the 27th. If he is not a party, we will want to depose wood and chamberlain that day. As for Nolan, I cannot do a deposition on the 24th. Can we do anytime between the 25th and 28th and work the schedule of others around that? Also, as to pepper and smith, if we can get responses to the requests for admission back on them in the next two weeks, it may obviate the need to depose them.

Leo Glickman

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From: Denise Buckley [<mailto:Denise.Buckley@ag.ny.gov>]

Sent: Wednesday, July 12, 2017 4:57 PM

To: Leo Glickman <lglickman@stollglickman.com>

Subject: RE: Burks depos

Hi Leo,

Apologies, I was just going to e-mail you. Plaintiff's deposition is confirmed to proceed this Friday, July 14th, at 10 am. The facility has arranged for an interview room to be available so that you may meet with your client from 9 am to 10am.

It looks like we will be able to conduct the depositions of the seven defendants you wish to depose from July 18th through 21st and July 25th, 27th and 28th. This is on the assumption of one deposition per day with each one starting at 11 am. I just need to confirm who will be attending on which date. If you think it will be possible to conduct two depositions on one date, let me know what dates and times you propose to do that and I will see if that can be arranged.

If, for any reason, we need to rearrange those dates, are you available any time after the week of July 24th? I recall you mentioned previously that you will be away for two weeks in August, but I do not recall the exact time frame.

Best regards,

Denise Buckley | Assistant Attorney General

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From: Leo Glickman [<mailto:lglickman@stollglickman.com>]

Sent: Wednesday, July 12, 2017 4:50 PM

To: Denise Buckley <Denise.Buckley@ag.ny.gov>

Subject: Burks depos

Denise please, I need lead time to make travel plans and set up office time to conduct these depositions. First, can you please confirm that we are going forward on Friday with my client so that I can make a hotel reservation, etc. Second, can you please let me know when I can depose the defendants. Thank you.

Leo Glickman

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